REMARKS

Claims 1-30 are pending in the application. All pending claims have been deemed unpatentable pursuant to 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,803,887 to *Lauper* in view of U.S. Patent 6,522,312 to *Ohshima et al.*

Applicant thanks Examiner Chang for the considerations during telephone calls on July 25 and 29, 2005 concerning the pending rejection. During the telephone call, Applicant's representative and Examiner Chang discussed the pending rejection and the cited reference to *Lauper*. This response summarizes Applicant's remarks during the telephone conversation.

Rejection Under 35 U.S.C. § 103(a)

Applicant respectfully submits that the cited reference to *Lauper* is not prior art. Applicant first notes that *Lauper* issued on October 12, 2004. The application for *Lauper* was filed in the US Patent And Trademark Office under 371(c), on January 22, 2002. Although the description of *Lauper* does not specify or claim priority to an earlier application, the face of *Lauper* recites information related to an International Application filed on July 22, 1999 and published at WO01/08414 on February 1, 2001. The International Application, and the publication thereof, are not of record in the present application, and Applicant does not know that reference to be material to the patentability of any pending claims in the present application. Neither has the Examiner cited the reference at published at WO01/08414 against any pending claim in the present application. Accordingly, both the Issue date and the US Filing date of *Lauper* are after the filing date for the present application. Accordingly, *Lauper* does not qualify for prior art under 35 U.S.C. §§ 102 (a) or 102(b).

Applicants submit that *Lauper* is not an invention patented first patented or caused to be patented, or the subject of an inventor's certificate, by the Applicant, his legal representative, or assign in a foreign country. Therefore, *Lauper* is not prior art under 35 U.S.C. § 102 (d).

As for 35 U.S.C. §§ 102 (e), Applicants respectfully submit that *Lauper* does not meet the requirement of either 102(e)(1) or 102(e)(2). With respect to 102 (e)(1), an application for a patent by another filed in the US may be considered prior art only where the application is published under 122(b) before the invention against which the reference is cited. As discussed, the application for the *Lauper* patent was not filed in the US until after the filing date of the present application. Applicant also notes that the face of the *Lauper* patent does not indicate that the application was subject to prior publication under 122(b), and the Office Action does not cite to any prior publication. Accordingly, Applicant submits that *Lauper* does not qualify as prior art under 35 U.S.C. §§ 102 (e)(1).

Under 102 (e)(2), a patent granted on an application for a patent by another filed in the US before the application against which it is cited may be considered prior art. Where the cited patent granted from an international application filed under the treaty defined in section 351(a), the cited patent has the effects for the purposes 102(e) of an application filed in the US only if the international application designated the US and was published under Article 21(2) of such treaty in the English language. Assuming that *Lauper* qualifies as a US patent granted from an international application filed under the treaty defined at 351(a), Applicant notes that the face of *Lauper* indicates that the filing requirements in the Patent and Trademark Office under 371(c) were not met until January 22, 2002, which is after the filing date of the present application. Indeed, *Lauper* indicates that the requirements for a translation of the international application

into English under 371(c)(2) were not met until that date. Moreover, Applicant note that the referenced PCT Publication at WO01/08414 is not an English language document. Accordingly, since the English application was not filed in the US Patent And Trademark Office until after the filing date of the present application, Applicants respectfully submit that *Lauper* does not qualify as prior art under 35 U.S.C. § 102(e)(2).

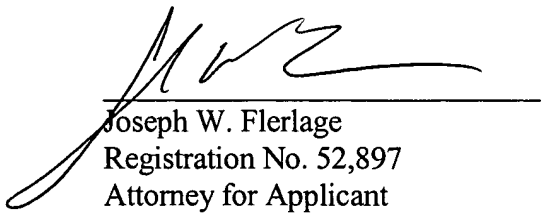
Applicants understand that *Lauper* is clearly not cited as a prior art reference under 35 U.S.C. § 102(c), (f), or (g). Accordingly, Applicant respectfully submits that *Lauper* does not qualify as prior art under 35 U.S.C. § 102. Since *Lauper* does not qualify as prior art, the pending claims would not have been obvious under 35 U.S.C. § 103 (a) in view of the combination of *Lauper* and *Ohshima*.

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the pending rejection, and favorable consideration and allowance of all pending claims. If the examiner believes that a telephone conference would expedite allowance of the application, the examiner is invited to call the undersigned.

Respectfully submitted,

August 3, 2005



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